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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,537	04/02/2001	Masood Garahi	ODS/025	9788
1473	7590	12/07/2005	EXAMINER	
FISH & NEAVE IP GROUP ROPES & GRAY LLP 1251 AVENUE OF THE AMERICAS FL C3 NEW YORK, NY 10020-1105			NGUYEN, NGA B	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/825,537	GARAH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nga B. Nguyen	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 April 2001.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-34 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/24/03, 4/15/03, 4/26/02;
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. This Office Action is the answer to the communication filed on April 2, 2001, which paper has been placed of record in the file.
2. Claims 1-34 are pending in this application.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mindes et al (hereinafter Mindes), U.S. Patent No. 5,842,921, in view of Van Horn et al (hereinafter Van Horn), U.S. Patent No. 6,631,356.

Regarding to claim 1, Mindes discloses a method for wagering on a future race an interactive wagering system, comprising:

providing a user with the ability to place a wager in a first wagering pool for the future race, wherein interactive wagering system provides second wagering pool for the future race (figure 2 and column 8, line 10-column 9, line 20, the user can place a wager in a plurality pools for the future race).

Mindes does not disclose wherein the second wagering pool closes after the first wagering pool closes. However, Van Horn discloses a buyer can join a plurality of buying groups, the buying groups will be featured simultaneously at any given time,

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each buying group the date/time scheduled to open and date/time scheduled to close (column 11, lines 5-15), thus it is obvious that it exists a first buying group is scheduled to close after a second buying group. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Mindes to adopt the teaching of Van Horn above for the purpose of providing the user with the ability to place a wager in a plurality of wagering pools that have different schedules to open and close.

Regarding to claims 2-3, Mindes further discloses providing the user with the ability to place a wage in the second wagering pool; wherein first and second wagering pools accept wagers same wager type (see figure 2).

Regarding to claims 4-6, Mindes does not disclose wherein the second wagering pool is open while the first wagering pool is open, the second wagering pool open when the first wagering closes, the second wagering opens at some time after the first wagering pool closes. However, Van Horn discloses a buyer can join a plurality of buying groups, the buying groups will be featured simultaneously at any given time, each buying group the date/time scheduled to open and date/time scheduled to close (column 11, lines 5-15), thus it is obvious that it exits the second buying group is open while the buying group pool is open, the second buying group is open when the first buying group closes, the second buying group opens at some time after the first buying group closes. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Mindes to adopt the teaching of Van Horn

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above for the purpose of providing the user with the ability to place a wager in a plurality of wagering pools that have different schedules to open and close.

Regarding to claim 7, Mindes further discloses wherein the odds and payouts for the first wagering pool are being calculated while the first wagering pool is open and wherein the wagering pool are being calculated while the second wagering pool is open (column 8, line 45-column 9, line 20).

Regarding to claim 8, Mindes further discloses wherein the odds and payouts for the first wagering pool become fixed when the first wagering pool closes and wherein the odds and payouts for the second wagering pool become fixed when the second wagering pool closes (columns 16-18).

Regarding to claims 9-11, Mindes further discloses providing the user with the ability to access wagering pool information, wherein the wagering pool information for a closed wagering pool includes fixed odds and payouts for the future race, the wagering pool information for an open includes current odds and payouts the wagering pool future race (column 6, lines 30-67).

Regarding to claim 12, Mindes further discloses notifying the user of future race events by comprising notifying the user by displaying a message (column 6, lines 50-57).

Regarding to claims 13-15, Mindes does not disclose monitoring user actions to create a user profile; finding future race events that may be interest to user based on the user profile; and notifying the user future race that may be interest, notifying the user future race events that may be of interest by displaying a message. However, such

features are well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Mindes to include the well known feature above for the purpose of providing more convenient for the user to receive his/her preferred future races.

Regarding to claims 16-17, Mindes does not disclose adding future race events to a list and providing the user with the ability access the list. However, displaying the list of future race events is well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Mindes to include the well known feature above for the purpose of providing more easier for the user to view future race events.

Claims 18-34 contain similar limitations found in claims 1-17 above, therefore, are rejected by the same rationale.

### ***Conclusion***

5. Claims **1-34** are rejected.
6. The prior arts made of record and not relied upon is considered pertinent to applicant's disclosure:

Mir et al. (US 6,450,887) disclose a gaming system enables parimutuel wagering with instant payoffs on actual past events.

Herbert (US 6,152,822) discloses wagering system and method of wagering.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is

(571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (571) 272-6799.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

8. Any response to this action should be mailed to:

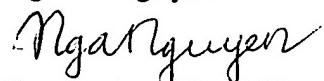
Commissioner of Patents and Trademarks  
C/o Technology Center 3600  
Washington, DC 20231

Or faxed to:

(571) 273-8300 (for formal communication intended for entry),  
or  
(571) 273-0325 (for informal or draft communication, please label  
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox building, 501 Dulany Street, Alexandria, VA, First Floor (Receptionist).

Nga B. Nguyen

  
September 19, 2005